

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re WAL-MART STORES, INC. )  
WAGE AND HOUR LITIGATION )

Nos. C06-2069 SBA (BZ) &  
C06-5411 SBA (BZ)

\_\_\_\_\_  
This Document Relates To: )

**FOURTH DISCOVERY ORDER**

Case Nos. )

C06-2069 SBA (Smith) and )  
C06-5411 SBA (Ballard) )  
\_\_\_\_\_ )

On August 9, 2007, I held a telephonic conference to discuss the discovery disputes outlined in the parties' recent July 31 and August 7 letters. All parties participated through counsel. For the reasons stated during the conference, and good cause appearing, **IT IS ORDERED** as follows:

1. Construing Docket #108 as plaintiffs' motion to compel further responses to interrogatories and Docket #118 as an opposition, I find no need for further argument. The motion is **DENIED**. I find that at this stage of the litigation, the burden and expense involved in ascertaining

1 the requested information outweighs the likely benefit of the  
2 information to plaintiffs' motion for class certification.

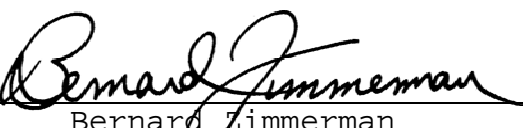
3 See Federal Rule of Civil Procedure 26(b)(2)(C)(iii).

4 2. The parties shall meet and confer over the disputed  
5 requests for admissions by the close of business on **Monday,**  
6 **August 13, 2007,** and shall make good faith efforts to resolve  
7 the related disputes.

8 3. In the event the parties cannot resolve their  
9 disputes, plaintiffs have leave file a motion to compel  
10 discovery. The motion shall be filed by no later than **Monday,**  
11 **August 20, 2007.** Any opposition shall be filed by **Tuesday,**  
12 **September 4, 2007,** and any reply by **Tuesday, September 11,**  
13 **2007.** The Court will notice a hearing if necessary.

14 4. Going forward, when the parties meet and confer on  
15 issues relating to the discovery or retrieval of  
16 electronically stored information, each party shall have  
17 present a non-attorney information technology person.

18 Dated: August 10, 2007

19  
20   
21 Bernard Zimmerman  
United States Magistrate Judge

22 G:\BZALL\REFS\SMITH.WALMART\Disc4ORDER.wpd  
23  
24  
25  
26  
27  
28